

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SAUL SABINO,

Plaintiff,

21-cv-5731 (JGK)

- against -

ORDER

PORT AUTHORITY POLICE DEPARTMENT,
ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The pro se plaintiff requests appointment of counsel pursuant to the Criminal Justice Act. For the Court to order the appointment of counsel, the plaintiff must, as a threshold matter, demonstrate that the claim has a substantial likelihood of success on the merits. Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). After the plaintiff has made such a showing, the Court may consider other factors such as the "plaintiff's ability to obtain representation independently, and [his] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Argenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). The plaintiff's request for appointment of counsel is denied because the plaintiff's claim does not have any merit in light of the Court's decision granting the defendants' motion for summary judgment. See ECF No. 215.

The pro se plaintiff indicates that he has not been receiving mail from the Court. On February 5, 2025, the Court ordered the plaintiff to respond to the motion for summary judgment by February 26, 2025, and sent the Order to the plaintiff's address on file. See ECF No. 207. The plaintiff failed to respond to the motion. On April 10, 2025, the plaintiff updated his address and requested time to file a response. See ECF No. 212. On April 14, 2025, the Court directed the plaintiff to respond to the motion for summary judgment by May 5, 2025, and mailed the Order to the plaintiff's updated address, as well as his parents' address. See ECF No. 213. The plaintiff failed to respond to the motion for summary judgment, and on May 7, 2025, the Court treated the motion as unopposed, granted the defendants' motion for summary judgment, entered judgment in favor of the defendants, and closed the case. See ECF Nos. 215-16. On May 12, 2025, the plaintiff updated his address with the Court and on May 14, 2025, the plaintiff indicated he had not been receiving any mail from the Court. See ECF Nos. 218-19.

The Court carefully considered the defendants' motion for summary judgment and concluded that it should be granted. See ECF No. 215. The plaintiff was given ample opportunity to respond to that motion and has never provided any meritorious opposition to the motion.

The Clerk is directed to mail this Order as well as ECF Nos. 215-16 to the plaintiff at his updated address, which is reflected on the docket. The Clerk should note such mailing on the docket.

SO ORDERED.

**Dated: New York, New York
May 19, 2025**

**/s/ John G. Koeltl
John G. Koeltl
United States District Judge**